

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|----------------------------------|---|--------------------------|
| CARLOS MANUEL SANTIAGO, CL-8102, |) | |
| |) | |
| Petitioner, |) | |
| |) | 2:04cv1455 |
| v. |) | Electronic Filing |
| |) | Judge Cercone |
| COMMONWEALTH OF PENNSYLVANIA, |) | Magistrate Judge Caiazza |
| ATTORNEY GENERAL, PA BOARD OF |) | |
| PROBATION AND PAROLE, |) | |
| |) | |
| Respondents. |) | |

MEMORANDUM ORDER

Carlos Manuel Santiago's Petition for Writ of Habeas Corpus was received by the Clerk of Court on September 22, 2004, and was referred to United States Magistrate Judge Francis X. Caiazza for a Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation, filed on October 26, 2005, recommended that Petition for Writ of Habeas Corpus filed by Carlos Manuel Santiago be dismissed and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on the Petitioner by First Class United States Mail delivered to the State Correctional Institution at Mercer, Mercer, Pennsylvania and on the Respondents. No objections have been filed. After review of the pleadings and documents in the

case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 17th day of November, 2005;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Carlos Manuel Santiago is dismissed and that a certificate of appealability is denied.

IT IS FURTHER ORDERED that Judgment is entered in favor of the Respondents and against the Petitioner.

The Report and Recommendation of Magistrate Judge Caiazza, dated October 26, 2005, is adopted as the opinion of the court.



David Stewart Cercone
U.S. District Court Judge

CC:
Francis X. Caiazza
U.S. Magistrate Judge

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